



# House of Representatives

## File No. 813

General Assembly

January Session, 2003

**(Reprint of File No. 488)**

Substitute House Bill No. 6682  
As Amended by House  
Amendment Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 31, 2003

**AN ACT CONCERNING SITING COUNCIL REVIEW OF  
UNDERGROUND OR UNDERWATER ELECTRIC TRANSMISSION  
LINES, RESTRICTIONS ON THE INSTALLATION OF CERTAIN  
ELECTRIC TRANSMISSION LINES AND THE ESTABLISHMENT OF A  
MUNICIPAL PARTICIPATION ACCOUNT.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (c) of section 16-50p of the general statutes is  
2 amended by adding subdivision (3) as follows (*Effective from passage*):

3 (NEW) (3) Notwithstanding any provision of the general statutes,  
4 the council shall not grant a certificate for an application filed on or  
5 after May 1, 2003, for an electric transmission line with a capacity of  
6 three hundred forty-five kilovolts or more unless such application  
7 proposes underground burial of such line in all residential areas and  
8 overhead installation of such line in industrial and open space areas  
9 affected by such proposal.

10 Sec. 2. Subsection (c) of section 16-50p of the general statutes is  
11 amended by adding subdivision (4) as follows (*Effective from passage*):

12       (NEW) (4) Notwithstanding any provision of the general statutes,  
13       the council shall not grant a certificate for an application filed between  
14       September 1, 2001, and May 1, 2003, inclusive, for an electric  
15       transmission line with a capacity of three hundred forty-five kilovolts  
16       or more unless such application proposes underground burial of such  
17       line in the last five miles of the southernmost portion of the line.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Various State Agencies	GF - Cost	Potential Indeterminate	Potential Indeterminate
Siting Council, CT	CC&PUCF - Revenue Gain	\$3 million - \$5 million	\$3 million - \$5 million
Siting Council, CT	CC&PUCF - Cost	\$56,978	\$67,445

Note: GF=General Fund; CC&PUCF=Consumer Counsel and Public Utility Control Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 04 \$	FY 05 \$
Various Municipalities	Cost	Potential Indeterminate	Potential Indeterminate
Various Municipalities	Savings	Minimal	Minimal

### **Explanation**

The bill requires that applicants seeking certificates of environmental compatibility and public need for energy or communications facilities from the Connecticut Siting Council pay a \$25,000 municipal participation fee. Because the bill seems to include all cases handled by the Council, passage of the bill could result in significant revenue gain and the need for an additional clerk position (including fringes) to manage and administer these funds.<sup>1</sup>

Collected fees are to be deposited in a separate, non-lapsing account within the Consumer Counsel & Public Utility Control Fund. Payments are to be made from this account to towns in which any

<sup>1</sup> The Siting Council classifies cases as “dockets” that involve new developments and “petitions or filings” that involve existing structures or facilities. The Council renders about 200-350 decisions annually.

portion of a proposed facility is to be located, as well as adjoining towns, for the purposes of participating in the relevant proceeding. Unused funds must be returned to the fund and benchmarked for future use by municipalities. However, interest earned is credited to the fund.

*House Amendment "A"* prohibits the Siting Council from granting certificates for electric transmission lines where certain requirements are not met and *House Amendment "B"* prohibits the Siting Council from granting certificates for electric transmission lines unless such application proposes the underground burial of the last five miles of the southernmost part of the line. To the extent that the cost of these lines is increased due to compliance with requirements such as having to bury them, passage of the amendment could result in potential indeterminate costs to the state and municipalities as utility consumers.

---

**OLR Bill Analysis**

sHB6682 (as amended by House "A" and "B")\*

***AN ACT CONCERNING A MUNICIPAL PARTICIPATION FEE AND  
THE SITING COUNCIL REVIEW OF UNDERGROUND OR  
UNDERWATER TRANSMISSION LINES***

**SUMMARY:** This bill prohibits the Connecticut Siting Council from granting a certificate of environmental compatibility and public need to any proposal for an electric transmission line with a capacity of 345 kilovolts (345-kv) or more filed on or after May 1, 2003 unless the proposal places underground that portion of the line in residential areas and overhead that portion of the line in industrial and open space areas. It prohibits the council from approving an application for an electric transmission line of 345 kilovolts or more, filed between September 1, 2001 and May 2, 2003, unless it places underground the last five miles of the southernmost portion of the line. It appears that the latter provision applies to the proposed Bethel to Norwalk transmission line. Both provisions supersede any other law.

\*House Amendment "A" eliminates provisions (1) requiring applicants before the siting council to pay a \$25,000 fee to defray expenses incurred by towns that host or are near a proposed energy or telecommunications facility and (2) allowing the council to grant a certificate for an underwater transmission line only if it is needed for the reliability of the state's electric supply. It adds the prohibition requiring underground burial of 345-kv lines in residential areas and changes the bill's effective date from July 1, 2003 to upon passage.

\*House Amendment "B" requires the burial of the last five miles of the southernmost portion of 345-kv lines proposed between September 1, 2001 and May 2, 2003.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

***Certificate of Environmental Compatibility and Public Need***

By law, a certificate is required to build or modify fuel pipelines, electric transmission lines or generating plants and substations, as well as certain other facilities.

### ***Related Bills***

sHB 6508, An Act Concerning Long Term Energy Planning for Energy Facilities, substantially amends the siting process for energy infrastructure. It was passed by the House, as amended by House Amendment "A" on May 22, and passed by the Senate on May 29.

sSB 1018, An Act Concerning the Protection of Long Island Sound, requires the agriculture commissioner to levy an annual fee for electric transmission lines or gas pipelines crossing the Sound that require council approval, and bars the agriculture department and certain other state agencies from entering agreements with parties to council proceedings that require them to refrain from participating in, or to withdraw from, the proceedings. It was passed by the Senate, as amended by Senate Amendment "A" on May 29.

### ***Legislative History***

The House referred the original bill to the Energy and Technology and Finance, Revenue and Bonding Committees on April 30 and May 13, respectively. The committees reported the bill favorably on May 7 and May 15.

### **COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 27      Nay 0

Energy and Technology Committee

Joint Favorable Report

Vote not available

Finance, Revenue and Bonding Committee

Joint Favorable Report  
Yea 26 Nay 14